

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

MICHAEL K. GREGORY,

Plaintiff,

v.

KIRK ZIMMERMAN, *et al.*,

Defendants.

No. 3:18-cv-00444-PPS-MGG

Judge Philip P. Simon

Magistrate Judge Michael G. Gotsch,  
Sr.

**PLAINTIFF'S MOTION TO FILE UNDER SEAL EXHIBIT TO HIS  
REPLY IN SUPPORT OF MOTION FOR SPOILATION SANCTIONS**

Plaintiff Michael K. Gregory, by and through his counsel, respectfully moves the Court for leave to file an exhibit to his Reply in Support of Motion for Spoliation Sanctions under seal, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 5-3(c).

In support thereof, Mr. Gregory states as follows:

1. Today, March 3, 2022, Mr. Gregory filed his Reply in Support of Motion for Spoliation Sanctions. The Reply in Support of Motion for Spoliation Sanctions references and attaches an exhibit that includes information Defendants have designated as "Attorney Eyes Only." Accordingly, under the Stipulated Protective Order in this Case, Dkt. 91, and pursuant to Local Rule 5-3(c), Mr. Gregory has provisionally filed the exhibit to the Reply in Support of Motion for Spoliation Sanctions under seal. Mr. Gregory also will file a redacted version of the exhibit excluding portions that Mr. Gregory seeks, by this motion, to maintain under seal.

2. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if "there is good cause for sealing a part or the whole of the record." *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999).

3. Here, Mr. Gregory's Reply in Support of Motion for Spoliation Sanctions, contains references to and attaches an exhibit that contains information that Defendants have designated as "Attorney Eyes Only." The inclusion of such information in an exhibit to the Reply in Support of Motion for Spoliation Sanctions presents a legitimate concern of confidentiality and gives good cause to file that exhibit under seal.

WHEREFORE, Mr. Gregory respectfully requests the Court enter an order granting it leave to file an exhibit to the Reply in Support of Motion for Spoliation Sanctions under seal.

Dated: March 3, 2022

Respectfully submitted,

/s/ Keri Holleb Hotaling

Keri Holleb Hotaling  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record, and I caused a copy of the foregoing to be served on Defendant Courtney Woolfork by mailing it to the address below.

Courtney Woolfork  
2925 W. 19th Ave.  
Gary, IN 46404

/s/ *Keri Holleb Hotaling*